

# HB0327S02 compared with HB0327S01

~~{Omitted text}~~ shows text that was in HB0327S01 but was omitted in HB0327S02  
inserted text shows text that was not in HB0327S01 but was inserted into HB0327S02

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**Homeowners Association Modifications**  
2025 GENERAL SESSION  
STATE OF UTAH  
**Chief Sponsor: Jordan D. Teuscher**  
Senate Sponsor:

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to homeowners' and condominium owners' associations.

**Highlighted Provisions:**

This bill:

- requires an association to notify an owner in writing of a denied unit or lot plan;
- prohibits a homeowners' association from impeding or denying a plan due to the plan's inclusion of a fire-resistant material in an area with heightened risk of wildfire;
- places limitations on an association's ability to impose certain rules; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**AMENDS:**

**HB0327S01**

## HB0327S01 compared with HB0327S02

19 **57-8-6.7** , as enacted by Laws of Utah 2013, Chapter 152 , as enacted by Laws of Utah 2013,  
Chapter 152

20 **57-8-8.1** , as last amended by Laws of Utah 2024, Chapters 115, 519 , as last amended by Laws of  
Utah 2024, Chapters 115, 519

21 **57-8a-109** , as enacted by Laws of Utah 2013, Chapter 152 , as enacted by Laws of Utah 2013,  
Chapter 152

22 **57-8a-218** , as last amended by Laws of Utah 2024, Chapters 115, 519 , as last amended by Laws of  
Utah 2024, Chapters 115, 519

23 **57-8a-231** , as last amended by Laws of Utah 2024, Chapters 56, 519 , as last amended by Laws of  
Utah 2024, Chapters 56, 519

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25 *Be it enacted by the Legislature of the state of Utah:*

26 Section 1. Section **57-8-6.7** is amended to read:

27 **57-8-6.7. Approval of plans.**

28 (1) As used in this section:

29 (a) "Plan fee" means a fee that an association of unit owners charges for review and approval of unit  
plans.

31 (b) "Unit plans" means plans:

32 (i) for the construction or improvement of a unit; and

33 (ii) that are required to be approved by the association of unit owners before the unit construction or  
improvement may occur.

35 (2) An association of unit owners may not charge a plan fee that exceeds the actual cost of reviewing  
and approving the unit plans.

37 (3) If the association denies a unit plan, the association shall provide written notice to the unit owner  
specifying:

39 (a) each governing document provision on which the association relied when denying the plan; and

41 (b) the specific aspect of the proposed plan that does not conform to the specified governing document  
provision.

43 Section 2. Section **57-8-8.1** is amended to read:

44 **57-8-8.1. Equal treatment by rules required -- Limits on rules.**

45 (1)

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- (a) Except as provided in Subsection (1)(b), a rule shall treat similarly situated unit owners similarly.
- 47 (b) [~~Notwithstanding Subsection (1)(a), a~~] A rule may:
- 48 (i) vary according to the level and type of service that the association of unit owners provides to unit owners;
- 50 (ii) differ between residential and nonresidential uses; or
- 51 (iii) for a unit that a unit owner leases for a term of less than 30 days, impose a reasonable limit on the number of individuals that may use the common areas and facilities as the rental unit tenant's guest or as the unit owner's guest.
- 54 (2)
- (a) [~~H~~] Except as provided in Subsection (2)(b), if a unit owner owns a rental unit and is in compliance with the association of unit owners' governing documents and any rule that the association of unit owners adopts under Subsection (5), a rule may not treat the unit owner differently because the unit owner owns a rental unit.
- 58 (b) [~~Notwithstanding Subsection (2)(a), a~~] A rule may:
- 59 (i) limit or prohibit a rental unit owner from using the common areas and facilities for purposes other than attending an association meeting or managing the rental unit;
- 61 (ii) if the rental unit owner retains the right to use the association of unit owners' common areas and facilities, even occasionally:
- 63 (A) charge a rental unit owner a fee to use the common areas and facilities; and
- 64 (B) for a unit that a unit owner leases for a term of less than 30 days, impose a reasonable limit on the number of individuals that may use the common areas and facilities as the rental unit tenant's guest or as the unit owner's guest; or
- 67 (iii) include a provision in the association of unit owners' governing documents that:
- 68 (A) requires each tenant of a rental unit to abide by the terms of the governing documents; and
- 70 (B) holds the tenant and the rental unit owner jointly and severally liable for a violation of a provision of the governing documents.
- 72 (3)
- (a) [~~A~~] Except as provided in Subsection (3)(b), a rule may not interfere with the freedom of a unit owner to determine the composition of the unit owner's household.
- 74 (b) [~~Notwithstanding Subsection (3)(a), an~~] An association of unit owners may:
- 75 (i) require that all occupants of a dwelling be members of a single housekeeping unit; or

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- 77 (ii) limit the total number of occupants permitted in each residential dwelling on the basis of the  
residential dwelling's:
- 79 (A) size and facilities; and
- 80 (B) fair use of the common areas and facilities.
- 81 (4) Unless contrary to a declaration, a rule may require a minimum lease term.
- 82 (5) Unless otherwise provided in the declaration, an association of unit owners may by rule:
- 83 (a) regulate the use, maintenance, repair, replacement, and modification of common areas and facilities;
- 85 (b) impose and receive any payment, fee, or charge for:
- 86 (i) the use, rental, or operation of the common areas, except limited common areas and facilities; and
- 88 (ii) a service provided to a unit owner;
- 89 (c) impose a charge for a late payment of an assessment; or
- 90 (d) provide for the indemnification of the association of unit owners' officers and management  
committee consistent with Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.
- 93 (6)
- (a) Except as provided in Subsection (6)(b), a rule may not prohibit a unit owner from installing a  
personal security camera immediately adjacent to the entryway, window, or other outside entry  
point of the owner's condominium unit.
- 96 (b) A rule may prohibit a unit owner from installing a personal security camera in a common area not  
physically connected to the owner's unit.
- 98 (7)
- (a) A rule may not abridge the right of a unit owner to display a religious or holiday sign, symbol, or  
decoration inside the owner's condominium unit.
- 100 (b) An association may adopt a reasonable time, place, and manner restriction with respect to a display  
that is visible from the exterior of a unit.
- 102 (8)
- (a) A rule may not:
- 103 (i) prohibit a unit owner from displaying in a window of the owner's condominium unit:
- 105 (A) a for-sale sign;~~[or]~~
- 106 (B) a political sign; or
- 107 (C) a ~~{political}~~ flag; or
- 108

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- (ii) except as provided in Subsection (8)(b), regulate the content or establish specific design criteria for the content of a political sign[-or] or {political} flag.
- 110 [~~(iii) establish design criteria for a political sign.~~]
- 111 (b) A rule may restrict a political sign or {political} flag that contains obscene, profane, or commercial content.
- 113 [~~(b)] (c) [Notwithstanding Subsection (8)(a), a] A rule may reasonably regulate the size and time, place, and manner of posting a for-sale sign[-or] , a political sign, or a {political} flag.~~
- 116 (9) For any area for which one or more unit owners are responsible for landscape maintenance, the association of unit owners:
- 118 (a) shall adopt rules supporting water wise landscaping, including:
- 119 (i) low water use requirements on lawns during drought conditions;
- 120 (ii) design criterion for water wise landscaping; and
- 121 (iii) limiting permissible plant material to specific water wise plant material;
- 122 (b) may not prohibit low water use on lawns during drought conditions; and
- 123 (c) may not prohibit or restrict the conversion of a grass park strip to water-efficient landscaping.
- 125 (10) A rule may restrict a sex offender from accessing a protected area that is maintained, operated, or owned by the association, subject to the exceptions described in Subsection 77-27-21.7(3).
- 128 (11)
- (a) Except as provided in this Subsection (11), a rule may not prohibit a unit owner from making modifications, consistent with industry standards, for radon mitigation.
- 130 (b) Subsection (11)(a) does not apply if the modifications would violate:
- 131 (i) a local land use ordinance;
- 132 (ii) a building code;
- 133 (iii) a health code; or
- 134 (iv) a fire code.
- 135 (c) A rule governing the placement or external appearance of modifications may apply to modifications for radon mitigation unless the rule would:
- 137 (i) unreasonably interfere with the modifications' functionality; or
- 138 (ii) add more than 40% of the modifications' original cost to the cost of installing the modifications.
- 140 (d) A rule may require that a unit owner making modifications related to radon mitigation:
- 142 (i) demonstrate or provide proof of radon contamination; and

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143 (ii) provide proof that the modifications and any related construction will be performed by a licensed  
144 person.

145 (12)

(a) Except as provided in Subsection (12)(b), a rule may not restrict an individual from parking an operable vehicle in a driveway where the vehicle has a legal right to park, unless the vehicle is:

147 (i) a commercial vehicle, as defined in Section 72-9-102;

148 (ii) a motor home, as defined in Section 13-20-2; or

149 (iii) a recreational vehicle trailer, as defined in Section 13-20-2.

150 (b) A rule may require that an individual park in a garage appurtenant to a unit before parking elsewhere.

152 (13)

(a) Except as provided in Subsection (13)(b), a rule may not restrict an individual from operating a vehicle that is not a commercial vehicle, as defined in Section 72-9-102, in conformance with state traffic laws.

155 (b) A rule may enforce a reduced speed limit on a private roadway.

156 (14) A rule may not:

157 (a) impose a requirement or restriction on the use of a public street, as defined in Section 10-9a-103; or

159 (b) restrict an individual from:

160 (i) installing, displaying, or storing an item that the individual has a legal right to store if the item is not visible to an individual standing outside the unit;

162 (ii) hiring a contractor or worker solely because the contractor or worker:

163 (A) is not on the association's preferred vendor list; or

164 (B) does not have a professional or occupational license, unless the license is required by law.

166 ~~[(12)] (15)~~ { ~~Ĥ~~ → {} {} {f} a{} } { an operable } {} { ~~←Ĥ~~ } { ~~vehicle~~ } { ~~Ĥ~~ → } {} {} {f} that is not a commercial vehicle, as defined in Section 72-9-102; {} {} { ~~←Ĥ~~ } { in a driveway where the individual has a legal right to park } { ~~Ĥ~~ → } {} } , unless the vehicle is:

147b { (i) a commercial vehicle, as defined in Section 72-9-102; or }

147c { (ii) a recreational vehicle, as defined in Section 59-12-602 } {} { ~~←Ĥ~~ } : }

148 { (b) A rule may require that an individual park in a garage appurtenant to a unit before parking elsewhere. }

150 { ~~(13)~~ }

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- {(a) ~~Except as provided in Subsection (13)(b), a rule may not restrict an individual from operating a vehicle that is not a commercial vehicle, as defined in Section 72-9-102, in conformance with state traffic laws.~~}
- 153 {(b) ~~A rule may enforce a reduced speed limit on a private roadway.~~}
- 154 ~~{(14) A rule may not:~~
- 155 ~~{(a) impose a requirement or restriction on the use of a public street, as defined in Section 10-9a-103;~~  
~~or}~~
- 157 ~~{(b) restrict an individual from:~~
- 158 ~~{(i) installing, displaying, or storing an item that the individual has a legal right to store if the item is not visible to an individual standing outside the unit;}~~
- 160 ~~{(ii) hiring a contractor or worker solely because the contractor or worker:~~
- 161 ~~{(A) is not on the association's preferred vendor list; or}~~
- 162 ~~{(B) {does not have a professional or occupational license, unless the license is required by law.}}~~
- 164 ~~{(12)}{(15)}~~ A rule shall be reasonable.
- 165 ~~[(13)]~~ (16) A declaration, or an amendment to a declaration, may vary any of the requirements of Subsections (1) through (5), except Subsection (1)(b)(ii).
- 167 ~~[(14)]~~ (17) This section applies to an association of unit owners regardless of when the association of unit owners is created.
- 171 Section 3. Section **57-8a-109** is amended to read:
- 172 **57-8a-109. Approval of plans.**
- 171 (1) As used in this section:
- 172 (a) "Fire-resistant material" means a material designed and tested to resist ignition, slow the spread of fire, or withstand high temperatures, including:
- 174 (i) Class A roofing;
- 175 (ii) non-combustible siding;
- 176 (iii) a fiber cement product;
- 177 (iv) metal roofing; or
- 178 (v) fire-rated gypsum board.
- 179 ~~[(a)]~~ (b) "Lot plans" means plans:
- 180 (i) for the construction or improvement of a lot; and
- 181

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(ii) that are required to be approved by the association before the lot construction or improvement may occur.

183 [(b)] (c) "Plan fee" means a fee that an association charges for review and approval of lot plans.

185 (2) An association may not charge a plan fee that exceeds the actual cost of reviewing and approving the lot plans.

187 (3) An association may not prohibit, unreasonably restrict, deny, or delay a plan due to the plan's inclusion of a fire-resistant material in an area with heightened risk of wildfire.

189 (4) If the association denies a lot plan, the association shall provide written notice to the lot owner specifying:

191 (a) each governing document provision on which the association relied when denying the plan; and

193 (b) the specific aspect of the proposed plan that does not conform to the specified governing document provision.

197 Section 4. Section **57-8a-218** is amended to read:

198 **57-8a-218. Equal treatment by rules required -- Limits on association rules and design criteria.**

198 (1)

(a) Except as provided in Subsection (1)(b), a rule shall treat similarly situated lot owners similarly.

200 (b) [~~Notwithstanding Subsection (1)(a), a~~] A rule may:

201 (i) vary according to the level and type of service that the association provides to lot owners;

203 (ii) differ between residential and nonresidential uses; and

204 (iii) for a lot that an owner leases for a term of less than 30 days, impose a reasonable limit on the number of individuals who may use the common areas and facilities as guests of the lot tenant or lot owner.

207 (2)

(a) [~~H~~] Except as provided in Subsection (2)(b), if a lot owner owns a rental lot and is in compliance with the association's governing documents and any rule that the association adopts under Subsection (4), a rule may not treat the lot owner differently because the lot owner owns a rental lot.

211 (b) [~~Notwithstanding Subsection (2)(a), a~~] A rule may:

212 (i) limit or prohibit a rental lot owner from using the common areas for purposes other than attending an association meeting or managing the rental lot;

214 (ii) if the rental lot owner retains the right to use the association's common areas, even occasionally:



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- 216 (A) charge a rental lot owner a fee to use the common areas; or
- 217 (B) for a lot that an owner leases for a term of less than 30 days, impose a reasonable limit on the  
number of individuals who may use the common areas and facilities as guests of the lot tenant or lot  
owner; or
- 220 (iii) include a provision in the association's governing documents that:
- 221 (A) requires each tenant of a rental lot to abide by the terms of the governing documents; and
- 223 (B) holds the tenant and the rental lot owner jointly and severally liable for a violation of a provision of  
the governing documents.
- 225 (3)
- (a) ~~[A] Except as provided in Subsection (3)(b), a rule [eriterion-]~~ may not abridge the rights of a lot  
owner to display a religious or holiday sign, symbol, or decoration on:
- 227 ~~[(i) inside a dwelling on a lot; or]~~
- 228 ~~[(ii) outside a dwelling on:]~~
- 229 ~~[(A)] (i) a lot;~~
- 230 ~~[(B)] (ii) the exterior of the dwelling, unless the association has an ownership interest in, or a  
maintenance, repair, or replacement obligation for, the exterior; or~~
- 232 ~~[(C)] (iii) the front yard of the dwelling, unless the association has an ownership interest in, or a  
maintenance, repair, or replacement obligation for, the yard.~~
- 234 (b) ~~[Notwithstanding Subsection (3)(a), the]~~ The association may adopt a reasonable time, place, and  
manner restriction with respect to a display that is:
- 236 (i) outside a dwelling on:
- 237 (A) a lot;
- 238 (B) the exterior of the dwelling; or
- 239 (C) the front yard of the dwelling; and
- 240 (ii) visible from outside the lot.
- 241 (4)
- (a) A rule may not prohibit a lot owner from displaying a political sign or ~~{political}~~ flag on:
- 243 ~~[(i) inside a dwelling on a lot; or]~~
- 244 ~~[(ii) outside a dwelling on:]~~
- 245 ~~[(A)] (i) a lot;~~
- 246

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- [~~(B)~~] (ii) the exterior of the dwelling, regardless of whether the association has an ownership interest in the exterior; or
- 248 [~~(C)~~] (iii) the front yard of the dwelling, regardless of whether the association has an ownership interest in the yard.
- 250 (b) [A] Except as provided in Subsection (4)(c), a rule may not regulate the content of a political sign or {political} flag.
- 252 (c) A rule may restrict a political sign or {political} flag that contains obscene, profane, or commercial content.
- 254 [~~(e)~~] (d) [~~Notwithstanding Subsection (4)(a), a~~] A rule may reasonably regulate the time, place, and manner of posting a political sign or {political} flag.
- 256 [~~(d)~~] (e) An association design provision may not establish design criteria for a political sign or {political} flag.
- 258 (5)
- (a) A rule may not prohibit a lot owner from displaying a for-sale sign on:
- 259 [(i) ~~inside a dwelling on a lot; or~~]
- 260 [(ii) ~~outside a dwelling on:~~]
- 261 [(A)] (i) a lot;
- 262 [~~(B)~~] (ii) the exterior of the dwelling, regardless of whether the association has an ownership interest in the exterior; or
- 264 [~~(C)~~] (iii) the front yard of the dwelling, regardless of whether the association has an ownership interest in the yard.
- 266 (b) [~~Notwithstanding Subsection (5)(a), a~~] A rule may reasonably regulate the time, place, and manner of posting a for-sale sign.
- 268 (6)
- (a) [A] Except as provided in Subsection (6)(b), a rule may not interfere with the freedom of a lot owner to determine the composition of the lot owner's household.
- 270 (b) [~~Notwithstanding Subsection (6)(a), an~~] An association may:
- 271 (i) require that all occupants of a dwelling be members of a single housekeeping unit; or
- 273 (ii) limit the total number of occupants permitted in each residential dwelling on the basis of the residential dwelling's:
- 275 (A) size and facilities; and

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- 276 (B) fair use of the common areas.
- 277 (7)
- (a) ~~[A] Except as provided in Subsection (7)(b),~~ a rule may not interfere with a reasonable activity of a lot owner within the confines of a dwelling or lot, including backyard landscaping or amenities, to the extent that the activity is in compliance with local laws and ordinances, including nuisance laws and ordinances.
- 281 (b) ~~[Notwithstanding Subsection (7)(a), a]~~ A rule may prohibit an activity within the confines of a dwelling or lot, including backyard landscaping or amenities, if the activity:
- 284 (i) is not normally associated with a project restricted to residential use; or
- 285 (ii)
- (A) creates monetary costs for the association or other lot owners;
- 286 (B) creates a danger to the health or safety of occupants of other lots;
- 287 (C) generates excessive noise or traffic;
- 288 (D) creates unsightly conditions visible ~~[from]~~ to an individual standing outside the dwelling;
- 290 (E) creates an unreasonable source of annoyance to persons outside the lot; or
- 291 (F) if there are attached dwellings, creates the potential for smoke to enter another lot owner's dwelling, the common areas, or limited common areas.
- 293 (c) If permitted by law, an association may adopt rules described in Subsection (7)(b) that affect the use of or behavior inside the dwelling.
- 295 (8)
- (a) A rule may not, to the detriment of a lot owner and over the lot owner's written objection to the board, alter the allocation of financial burdens among the various lots.
- 297 (b) ~~[Notwithstanding Subsection (7)(b), an]~~ An association may:
- 298 (i) change the common areas available to a lot owner;
- 299 (ii) adopt generally applicable rules for the use of common areas; or
- 300 (iii) deny use privileges to a lot owner who:
- 301 (A) is delinquent in paying assessments;
- 302 (B) abuses the common areas; or
- 303 (C) violates the governing documents.
- 304 (c) This Subsection (8) does not permit a rule that:
- 305 (i) alters the method of levying assessments; or

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- 306 (ii) increases the amount of assessments as provided in the declaration.  
307 (9)  
(a) Subject to Subsection (9)(b), a rule may not:
- 308 (i) prohibit the transfer of a lot; or  
309 (ii) require the consent of the association or board to transfer a lot.
- 310 (b) Unless contrary to a declaration, a rule may require a minimum lease term.  
311 (10)  
(a) A rule may not require a lot owner to dispose of personal property that was in or on a lot before the adoption of the rule or design criteria if the personal property was in compliance with all rules and other governing documents previously in force.
- 314 (b) The exemption in Subsection (10)(a):  
315 (i) applies during the period of the lot owner's ownership of the lot; and  
316 (ii) does not apply to a subsequent lot owner who takes title to the lot after adoption of the rule described in Subsection (10)(a).
- 318 (11) A rule or action by the association or action by the board may not unreasonably impede a declarant's ability to satisfy existing development financing for community improvements and right to develop:
- 321 (a) the project; or  
322 (b) other properties in the vicinity of the project.
- 323 (12) A rule or association or board action may not interfere with:  
324 (a) the use or operation of an amenity that the association does not own or control; or  
325 (b) the exercise of a right associated with an easement.
- 326 (13) A rule may not divest a lot owner of the right to proceed in accordance with a completed application for design review, or to proceed in accordance with another approval process, under the terms of the governing documents in existence at the time the completed application was submitted by the owner for review.
- 330 (14) Unless otherwise provided in the declaration, an association may by rule:  
331 (a) regulate the use, maintenance, repair, replacement, and modification of common areas;  
333 (b) impose and receive any payment, fee, or charge for:  
334 (i) the use, rental, or operation of the common areas, except limited common areas; and  
336 (ii) a service provided to a lot owner;

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- 337 (c) impose a charge for a late payment of an assessment; or
- 338 (d) provide for the indemnification of the association's officers and board consistent with Title 16,  
Chapter 6a, Utah Revised Nonprofit Corporation Act.
- 340 ~~[(15) A rule may not prohibit a lot owner from installing a personal security camera immediately~~  
~~adjacent to the entryway, window, or other outside entry point of the owner's dwelling unit.]~~
- 343 ~~[(16)]~~ (15)
- (a) For any area for which one or more lot owners are responsible for landscape maintenance of  
any landscaping within the lot owner's lot or the common areas, the association shall adopt rules  
supporting water wise landscaping as defined in Section 57-8a-231 including:
- 347 (i) low water use requirements on lawns during drought conditions;
- 348 (ii) design criterion for water wise landscaping; and
- 349 (iii) limiting permissible plant material to specific water wise plant material.
- 350 (b) A rule may not:
- 351 (i) prohibit or restrict the conversion of a grass park strip to water wise landscaping as defined in  
Section 57-8a-231; or
- 353 (ii) prohibit low water use on lawns during drought conditions.
- 354 ~~[(17)]~~ (16)
- (a) Except as provided in Subsection ~~[(17)(b)]~~ (16)(b), a rule may not prohibit the owner of a residential  
lot from constructing an internal accessory dwelling unit, as defined in Section 10-9a-530 or  
17-27a-526, within the owner's residential lot.
- 357 (b) Subsection ~~[(17)(a)]~~ (16)(a) does not apply if the construction would violate:
- 358 (i) a local land use ordinance;
- 359 (ii) a building code;
- 360 (iii) a health code; or
- 361 (iv) a fire code.
- 362 ~~[(18)]~~ (17)
- (a) Except as provided in Subsection ~~[(18)(b)]~~ (17)(b), a rule may not prohibit the owner of a residential  
lot from making modifications, consistent with industry standards, for radon mitigation.
- 365 (b) Subsection ~~[(18)(a)]~~ (17)(a) does not apply if the modifications would violate:
- 366 (i) a local land use ordinance;
- 367 (ii) a building code;

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- 368 (iii) a health code; or  
369 (iv) a fire code.
- 370 (c) A rule governing the placement or external appearance of modifications for radon mitigation does  
not apply to a lot owner's modifications if the rule would:
- 372 (i) unreasonably interfere with the modifications' functionality; or  
373 (ii) add more than 40% of the modifications' original cost to the cost of installing the modifications.
- 375 (d) A rule may require that a lot owner making modifications related to radon mitigation:
- 376 (i) demonstrate or provide proof of radon contamination; and  
377 (ii) provide proof that the modifications and any related construction will be performed by a licensed  
person.
- 379 ~~[(19)]~~ (18) A rule may restrict a sex offender from accessing a protected area that is maintained,  
operated, or owned by the association, subject to the exceptions described in Subsection  
77-27-21.7(3).
- 382 (19)
- (a) As used in this Subsection (19), "vegetable garden" means a plot of ground or elevated soil bed  
where vegetables, herbs, fruits, flowers, pollinator plants, leafy greens, or other edible plants are  
cultivated.
- 385 (b) A rule may not prohibit a vegetable garden on the rear yard of a lot on which the association does  
not have an ownership interest or a maintenance responsibility.
- 387 (c) A rule may:
- 388 (i) impose reasonable regulations that do not significantly increase the cost of cultivating a vegetable  
garden or significantly decrease the efficiency of cultivating a vegetable garden, including  
reasonable regulations on plant height, water use, fertilizer use, and weed maintenance; and
- 392 (ii) prohibit the cultivation of invasive or unlawful species.
- 393 (20)
- (a) Except as provided in Subsection (20)(b), a rule may not restrict an individual from parking an  
operable vehicle in a driveway where the vehicle has a legal right to park, unless the vehicle is:
- 397 (i) a commercial vehicle, as defined in Section 72-9-102;  
398 (ii) a motor home, as defined in Section 13-20-2; or  
399 (iii) a recreational vehicle trailer, as defined in Section 13-20-2.
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(b) A rule may require that an individual park in a garage appurtenant to a dwelling before parking elsewhere.

402 (21)

(a) Except as provided in Subsection (21)(b), a rule may not restrict an individual from operating a vehicle that is not a commercial vehicle, as defined in Section 72-9-102, in conformance with state traffic laws.

405 (b) A rule may enforce a reduced speed limit on a private roadway.

406 (22) A rule may not:

407 (a) prohibit a lot owner from installing a personal security camera immediately adjacent to the entryway, window, or other outside entry point of the owner's dwelling unit;

409 (b) impose a requirement or restriction on:

410 (i) a dwelling's interior, except as reasonably necessary for the safety of adjacent lots and the occupants of those lots; or

412 (ii) the use of a public street, as defined in Section 10-9a-103;

413 (c) restrict an individual from:

414 (i) installing, displaying, or storing an item that the individual has a legal right to store if the item is not visible to an individual standing outside the lot;

416 (ii) installing or keeping a properly maintained basketball standard on the individual's driveway or property if the driveway or property where the basketball standard is located is:

419 (A) privately owned and maintained; and

420 (B) abutting a public street; or

421 (iii) hiring a contractor or worker solely because the contractor or worker:

422 (A) is not on the association's preferred vendor list; or

423 (B) does not have a professional or occupational license, unless the license is required by law; or

425 (d) be inconsistent with a provision of the association's declaration, bylaws, or articles of incorporation.

427 ~~[(20)] (23)~~ { ~~Ĥ~~ → } { {f} a{ } } { ~~an operable~~ } { } { ~~←Ĥ~~ } { ~~-vehiele~~ } { ~~Ĥ~~ → } { } { {f} ~~that is not a commercial~~ vehicle, as defined in Section 72-9-102; } { } { ~~←Ĥ~~ } { ~~in a driveway where the individual has a legal right to park~~ } { ~~Ĥ~~ → } { } ; unless the vehicle is:

395b {(i) {a commercial vehicle, as defined in Section 72-9-102; or}

395c (ii) {a recreational vehicle, as defined in Section 59-12-602}} { } { ~~←Ĥ~~ } ;

396

## HB0327S01 compared with HB0327S02

- {(b) A rule may require that an individual park in a garage appurtenant to a dwelling before parking elsewhere.}
- 398 ~~{(21)}~~
- {(a) Except as provided in Subsection (21)(b), a rule may not restrict an individual from operating a vehicle that is not a commercial vehicle, as defined in Section 72-9-102, in conformance with state traffic laws.}
- 401 {(b) A rule may enforce a reduced speed limit on a private roadway.}
- 402 ~~{(22) A rule may not:}~~
- 403 {(a) prohibit a lot owner from installing a personal security camera immediately adjacent to the entryway, window, or other outside entry point of the owner's dwelling unit;}
- 405 {(b) impose a requirement or restriction on:}
- 406 {(i) a dwelling's interior, except as reasonably necessary for the safety of adjacent lots and the occupants of those lots; or}
- 408 {(ii) the use of a public street, as defined in Section 10-9a-103;}
- 409 {(e) restrict an individual from:}
- 410 {(i) installing, displaying, or storing an item that the individual has a legal right to store if the item is not visible to an individual standing outside the lot;}
- 412 {(ii) installing or keeping a properly maintained basketball standard on the individual's driveway or property if the driveway or property where the basketball standard is located is:}
- 415 {(A) privately owned and maintained; and}
- 416 {(B) abutting a public street; or}
- 417 {(iii) hiring a contractor or worker solely because the contractor or worker:}
- 418 {(A) is not on the association's preferred vendor list; or}
- 419 {(B) does not have a professional or occupational license, unless the license is required by law; or}
- 421 {(d) {be inconsistent with a provision of the association's declaration, bylaws, or articles of incorporation.}
- 423 ~~{(20)}~~ (23) A rule shall be reasonable.
- 424 ~~{(21)}~~ (24) A declaration, or an amendment to a declaration, may vary any of the requirements of Subsections (1), (2), (6), and (8) through (14), except Subsection (1)(b)(ii).
- 427 [(22) A rule may not be inconsistent with a provision of the association's declaration, bylaws, or articles of incorporation.]



## HB0327S01 compared with HB0327S02

- 429 [(23)] (25) This section applies to an association regardless of when the association is created.
- 435 Section 5. Section **57-8a-231** is amended to read:
- 436 **57-8a-231. Water wise landscaping.**
- 433 (1) As used in this section:
- 434 (a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed grasses.
- 436 (b) "Mulch" means material such as rock, bark, wood chips, or other materials left loose and applied to the soil.
- 438 (c) "Overhead spray irrigation" means above ground irrigation heads that spray water through a nozzle.
- 440 (d)
- (i) "Vegetative coverage" means the ground level surface area covered by the exposed leaf area of a plant or group of plants at full maturity.
- 442 (ii) "Vegetative coverage" does not mean the ground level surface area covered by the exposed leaf area of a tree or trees.
- 444 (e) "Water wise landscaping" means any or all of the following:
- 445 (i) installation of plant materials suited to the microclimate and soil conditions that can:
- 447 (A) remain healthy with minimal irrigation once established; or
- 448 (B) be maintained without the use of overhead spray irrigation;
- 449 (ii) use of water for outdoor irrigation through proper and efficient irrigation design and water application; or
- 451 (iii) the use of other landscape design features that:
- 452 (A) minimize the need of the landscape for supplemental water from irrigation;
- 453 (B) reduce the landscape area dedicated to lawn or turf; or
- 454 (C) encourage vegetative coverage.
- 455 (f) "Water wise plant material" means a plant material suited to water wise landscaping as defined in this section.
- 457 (2) An association may not enact or enforce a governing document that prohibits, or has the effect of prohibiting, a lot owner of a detached dwelling from incorporating water wise landscaping on the lot owner's lot.
- 460 (3)
- (a) Subject to Subsection (3)(b), Subsection (2) does not prohibit an association from requiring a property owner to:

## HB0327S01 compared with HB0327S02

- 462 (i) comply with a site plan review or other review process before installing water wise landscaping;  
464 (ii) maintain plant material in a healthy condition; and  
465 (iii) follow specific water wise landscaping design requirements adopted by the association  
including a requirement that:
- 467 (A) restricts or clarifies the use of mulches considered detrimental to the association's operations; and  
469 (B) restricts or prohibits the use of specific plant materials other than water wise plant materials.
- 471 (b) An association may not require a lot owner to install or keep in place lawn or turf in an area.  
473 (4)
- (a) Subject to Subsection (4)(b), if an association does not adopt rules as required by Subsection  
[~~57-8a-218(16)~~] 57-8a-218(15) and fails to remedy the noncompliance within the time specified in  
Subsection (4)(c), a lot owner may file an action in state court for:
- 477 (i) injunctive relief requiring the association to comply with the requirements of Subsection  
[~~57-8a-218(16)~~] 57-8a-218(15);
- 479 (ii) \$500, or the lot owner's actual damages, whichever is greater;  
480 (iii) any other remedy provided by law; and  
481 (iv) reasonable costs and attorney fees.
- 482 (b) No fewer than 90 days before the day on which a lot owner files a complaint under Subsection (4)  
(a), the lot owner shall deliver written notice described in Subsection (4)(c) to the association.
- 485 (c) The lot owner shall include in a notice described in Subsection (4)(b):
- 486 (i) the requirements in Subsection [~~57-8a-218(16)~~] 57-8a-218(15) for adopting water wise landscaping  
rules with which the association has failed to comply;
- 488 (ii) a demand that the association come into compliance with the requirements; and  
489 (iii) a date, no fewer than 90 days after the day on which the lot owner delivers the notice, by which the  
association must remedy the association's noncompliance.

### 495 Section 6. **Effective date.**

This bill takes effect on May 7, 2025.

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